



\$800,000 Eye Injury Settlement

DeSilvestro v. Dello Russo: A man whose vision worsened after laser surgery will receive \$800,000 under settlements reached Sept. 5 in a Bergen County suit.

Daniel DeSilvestro of Monmouth Beach had surgery to correct nearsightedness at Dr. Joseph Dello Russo's New Jersey Eye Center in Bergenfield on Nov. 20, 1999. He returned for treatment after suffering a corneal inflammation and diffuse lamellar keratitis (DKL), but the condition left a scar on his left cornea and now he is legally blind in that eye without a hard contact lens, which he can wear only two hours a day, says the suit, filed by **Adam Slater** and **David Mazie** of **Mazie Slater Katz & Freeman** in Roseland.

The suit alleged that Dello Russo erred by keeping DeSilvestro on the mild antibiotics given post-surgery to all patients as a precaution instead of stronger antibiotics and steroids required for a patient with DKL.

Defense counsel **John Tomaszewski** of **Marulli, Lindenbaum, Edelman & Tomaszewski** in New York did not return a call but Slater says a defense expert opined that DeSilvestro received the proper treatment.

Silvestro, who has received \$175,000 from primary insurer Interstate Insurance Co., will receive an additional \$625,000 from excess carrier Princeton Insurance Co. under the settlement.

Silvestro's case is one of a dozen Dello Russo settled privately in 2004 in an arbitration proceeding, designed to bind Princeton, which was voided by an appeals court. Under that abandoned deal, DeSilvestro would have received \$900,000, Slater says.

— *By Henry Gottlieb*